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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,630	12/29/2000	Joanne S. Walter	9003	9263
26884	7590	02/24/2005	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-4 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			FULTS, RICHARD C	
		ART UNIT		PAPER NUMBER
				3628

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JG

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/751,630	WALTER, JOANNE S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Richard Fults	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 October 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

An amendment has been filed which amended most of the claims 1-20. Accordingly claims 1-9 will be examined on their merits.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Veeneman et al (US 5,754,981 A) (hereinafter Veeneman).

Veeneman discloses (see columns 1-16, but in particular columns 1-6) all of the steps, methods, and systems described in claims 1-20, including allowing access to a personal data preferences program via a consumer device, coding the selected personal data preferences, downloading the coded personal data preferences to the consumer device, allowing the consumer device to transfer the coded personal data preferences to a storage media, a processing unit, a network interface in communication with the processing unit and operable to be coupled to an electronic network, memory in conjunction with said processing unit, containing a plurality of instructions which when executed by the processing unit causes the above mentioned steps to take place, coupling an electronic consumer device to a computer of a business, accessing a personal data preferences program of a computer by the

consumer device, recording personal data preferences selected by the consumer via the consumer device by the computer, coding selected personal data preferences by the computer, downloading coded personal data preferences to the consumer device by the computer, transferring the coded personal data preferences to a consumer storage medium, and reading the coded personal data preferences from the consumer storage medium by a transaction computer during a transaction between the consumer and the business. Veeneman does not describe other types of personal data preferences.

However, because it would have been common sense and advantageous and would have allowed a more comprehensive and efficient personal data system it would have been obvious to one skilled in the art at the time of the invention to also have incorporated personal information on preferences into the data gathering, coding, and storage process.

It is noted that claims 1, 9, and 17 merely describe methods and systems for the entering, transferring, and storage of information (coded data), which is old and quite well known. Coded data could be read as handwriting, which is language or information reduced to coded symbols. A storage media is no more than a paper notebook to record handwriting. All of the generic steps and methods for accessing and processing personal data preferences have in the past several decades been accomplished by hand, as taught by Veeneman. The claim of using computer systems and methods for such processing is merely automation of an old and well known manual process, which automation is not patentable subject matter.

## **2. Response to Applicant's Arguments**

The amendment addressed the issue of the 101 technology rejection, which has been cancelled as a result. Applicant's arguments and amendments have been fully considered but are not deemed to have changed the original rejection, as the general concepts in the claims have not changed and they are all still taught by Veeneman. Veeneman teaches the use of a personal computer to store the preferences and to

access them at the computer of the business, as well as the prior manual process involved.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Fults whose telephone number is 703-305-5416. The examiner can normally be reached on weekdays from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough, can be reached on (703)-305-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
RCF

2/8/2005

  
FRANTZ POINVIL  
PRIMARY EXAMINER  
